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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Sheldon Bender,

Plaintiff,

vs.

SavWatt USA, Inc. and Ike H. Sutton,
Defendants.

Civil Action No. 12 CV 4943 (PAC)

**AFFIDAVIT FOR
ENTRY OF DEFAULT**

STATE OF NEW JERSEY)
) ss.:
COUNTY OF MORRIS)

Richard S. Meisner, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and a member of the firm of Berman, Sauter, Record & Jardim, P.C., attorneys for plaintiff in the above-entitled action, and I am familiar with all the facts and circumstances of this action.

2. I make this affidavit pursuant to Rule 55.1 and L.R. 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of a default judgment against defendants.

3. This is an action to recover base wages owed by defendants to plaintiff.

4. Jurisdiction of the subject matter of this action is based on federal question jurisdiction and both defendants reside or can be located in this District.

5. This action was commenced on June 22, 2012 by the filing of the summons and complaint. A copy of the summons and complaint was served on both of the defendants on July 13, 2012 by personal service on defendant Ike H. Sutton at the business office of defendant SavWatt USA, Inc. at 475 Park Avenue South, 30th Floor, New York, New York 10016. The defendants have not answered the complaint and the time for the defendants to answer the complaint has expired.

6. Proof of Service was filed on July 27, 2012.

7. The undersigned affirms that both of the parties against whom a judgment is sought, respectively:

- 1.) Is not an infant or incompetent;
- 2.) Is not in the Military Service;
- 3.) Was properly served under Fed. R. Civ. P. 4 and proof of service having been filed with the Court;
- 4.) Has defaulted in appearance in the above captioned action


WHEREFORE, plaintiff requests the entry of Default against the defendants.

Dated: New York, New York
August 6, 2012



RICHARD S. MEISNER

Sworn to before me this 6th day
of August, 2012


Notary Public

NANCY A. OELKERS
A Notary Public of New Jersey
My Commission Expires April 27, 2016